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Catherine Kuhlman: Executive Officer  
North Coast Regional Water Quality Control Board  
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**Subject: Comment Letter on Proposed Basin Plan Amendment, entitled: Water Quality Control Plan for the North Coast Region to establish Exception Criteria to the Point Source Waste Discharge Prohibitions by revising the Action Plan for Storm Water Discharges and adding a new Action Plan for Low Threat**

Dear Ms. Kuhlman,

I am submitting these comments based on my 25 years experience of teaching geology and performing geologic investigations for the U.S. Geological Survey as a Research Geologist, and as co-author of *The American West at Risk: Science, Myths, and Politics of Land Abuse and Recovery* (Oxford University Press, 2008).

I support the general concept and aims of the Regional Water Resources Control Board's (SWRCB) proposed Basin Plan Amendment, but have concerns about a number of apparent conceptual and operational gaps.

I understand that the proposed Amendment provides exceptions to the Basin Plan's prohibition of point source discharges greater than one percent of the flow in a receiving water body, and that the prohibition still stands for those who have not applied for the exception, or who do not meet its standards. I further comprehend that the proposed Amendment will encourage dischargers to apply for the exception, lowering the number of runoff incidences that occur without Regional Board scrutiny.

I support your aim of establishing better oversight for the flow of pollutants into Region-1 waterways, and hope that the cities will be held responsible for timely implementation of the suggested Best Management Practices (BMPs) for mitigating impacts. But I remain concerned about the following issues:

1. Most federal and state water quality standards are either old or limited, or both. Clearly they have proved minimally protective (or largely unprotective) of human and environmental health, due to the growing burden of chemicals used in homes, on urban lawns, and on agricultural lands, and on the "as practicable" condition for improving water quality.
2. The proposed Amendment does not envision a limitation on the number of planned discharges that a single permittee could be allowed in a single year, and especially in a single dry season.
3. The proposed Amendment does not envision a limitation on the number of planned discharges that could be permitted to flow into a single surface water body (creek, wetland, natural lake or pond, or main stem stream) in a single year or dry season.
4. Lacking BMPs, many accidental discharges that flow across the ground surface, picking up pollutants before entering a water body, may not be "low threat," especially when cumulative impacts are considered. Similarly, accidental discharges of secondary or tertiary treated wastewater that might flow into a water body during the dry season, or reach groundwater, may not be "low threat."
5. The proposed Amendment does not contain a plan for monitoring and evaluating cumulative effects of permitted discharges during the dry season to limit water quality degradation, let alone the cumulative impacts of accidental "low threat" discharges.

The Regional Board's desire to bring ongoing discharges into a regulatory framework, to which more dischargers would likely conform than do now, is praiseworthy. But regulations like the proposed Amendment only contribute to a chronic problem. It is not individual discharges that destroy our clean water supplies, it is the cumulative effects of many discharges, whether regulated or not.

California has no statewide programs for even encouraging water efficiency or conservation, and in fact some water service areas still do not even monitor water use. A major problem is the acceptance of current flushing and clearing-out procedures. Why should sidewalk rinsing be accepted at all? It is a waste of potable water, and a

waste of the energy required to provide the water. While making no rational attempt to modify water use habits and limit the use of potable water, the State of California now proposes to expedite permits for broad-scale use of tertiary treated wastewater for irrigation projects. As currently formulated this proposed policy easily could, and probably will, add to the growing burden of impaired to contaminated water supplies.

Since the current implementation of cited federal and state laws have not and do not prevent constant degradation of stream waters and wetlands, I believe that the BMPs proposed in this Amendment will work only if dischargers expect careful and consistent scrutiny of the cumulative impacts. I fear that the Regional Board will be unable to provide such scrutiny. The proposed Amendment does not even plan for it.

Instead, the proposed Amendment's monitoring programs are oriented toward particular intentional discharges, ignoring the possibility (even likelihood) of accumulated effects downstream from areas that may experience a high level of discharges. Regional Board funding is already too low to adequately sample for and assess the cumulative effects of granting the proposed exception.

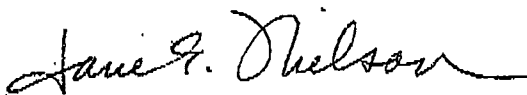
Comparing water quality in planned discharge areas with water quality goals, as envisioned in the Amendment, are hollow where TMDLs have not been established. These streams include the Russian River and its tributaries, such as the Laguna de Santa Rosa. The Regional Board thus lacks base data for assessing cumulative impacts from either the current policy or the proposed Amendment.

The category of unplanned (accidental) discharges can be considered low threat only on a case by case basis. Cumulatively, these discharges could (and in many cases likely do) add pollution to natural waters, which can threaten aquatic life forms and human health. In particular, wastewater meeting Title 22 and California Toxics Rule standards undoubtedly will contain low levels of hazardous compounds, and accidental discharges of such water will cumulatively add to water quality degradation. Such accidental discharges are bound to occur widely when the State implements its plan to streamline wastewater re-use project permits.

Although I am not happy with either the present status or the proposed Amendment, I cannot oppose the intent to better regulate discharges. I recommend that the Amendment be revised to at least:

- limit the number and volume of accidental discharges of treated wastewater that can be allowed without penalties, to encourage upkeep of irrigation systems,
- require that treated wastewater irrigation systems be set back at least 100 feet from creeks, with much greater setbacks for 303(d)-listed creeks (600 feet would be appropriate as with AB 885),
- prohibit irrigation on lawns that have been treated with pesticides, herbicides, soil amendments, fertilizers, and other polluting chemicals etc.,
- require that irrigation be applied at agronomic rates,
- require that wastewater quality be monitored near the site and time of application to assess whether it has changed composition compared to source treatment plant effluent,
- mandate a program evaluation after the second year of implementation, to identify any problems, and require a detailed report of the evaluation for public review,
- require Amendment revisions as new information about currently unregulated chemicals and other contaminants becomes available.

Sincerely,



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